

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 05-3938

United States of America,

Appellee,

v.

Kelly J. Moore, also known as Kelly
R. Moore,

Appellant.

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Appeal from the United States
District Court for the
Western District of Missouri.

[UNPUBLISHED]

Submitted: August 29, 2006
Filed: September 7, 2006

Before SMITH, MAGILL, and BENTON, Circuit Judges.

PER CURIAM.

After Kelly Moore pleaded guilty to several counterfeit-related offenses, in violation of 18 U.S.C. §§ 471 and 473, the district court¹ imposed concurrent sentences of 41 months in prison and 2 years of supervised release. While Moore was serving his supervised release, the government petitioned to revoke supervised release based on an alleged violation of Moore's release conditions. After a hearing at which Moore admitted the conduct underlying the alleged violation, the court revoked

¹The Honorable Gary A. Fenner, United States District Judge for the Western District of Missouri.

supervised release and sentenced Moore within the applicable advisory Guidelines range to 12 months in prison. Moore appeals, arguing that the court's sentence was unreasonable. We affirm.

The revocation sentence was not unreasonable. See United States v. Tyson, 413 F.3d 824, 825 (8th Cir. 2005) (per curiam) (revocation sentences are reviewed for unreasonableness in accordance with United States v. Booker, 543 U.S. at 258-62 (2005)). The sentence was within statutory limits, see 18 U.S.C. § 3583(e)(3), and the court explicitly considered the circumstances of the violation, the need to correct Moore's behavior and punish his conduct, and the advisory Guidelines, see 18 U.S.C. § 3553(a)(1), (2)(A); Booker, 543 U.S. at 258-62 (sentencing courts must take Guidelines into account along with other § 3553(a) factors).

Accordingly, we affirm. We also grant counsel's motion to withdraw.
